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January 25, 2016

Hon. William M. Nickerson  
Senior United States District Judge  
United States District Court for the  
Northern District of Maryland  
101 W. Lombard St.  
Baltimore, MD 21201

**ELECTRONICALLY FILED**

**RE: MOUNT ST. MARY'S UNIVERSITY v.  
MOUNT SAINT MARY'S UNIVERSITY and  
PORTMONT COLLEGE AT MOUNT SAINT MARY'S  
No. 1:15-cv-01771**

Dear Judge Nickerson:

Plaintiff Mount St. Mary's University (Plaintiff) responds here to Defendants' January 19, 2016 correspondence, which mischaracterizes Plaintiff's letter to compel Defendants to disclose their witness list as "premature and unnecessary" and now moot. Not so.

Plaintiff's letter to the Court came as a last resort after extensive negotiation between the parties reached an impasse.<sup>1</sup> Far from being "premature, unnecessary, and moot." Plaintiff

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<sup>1</sup> Plaintiff served Defendants with interrogatories on November 2, 2015. Defendants provided responses on December 7, 2015, which were not "full and complete." Indeed, pursuant to the discovery dispute resolution procedure set forth in L.R. 104.8 and Discovery Guideline 1(f), L.R. Appendix A, Plaintiff sent Defendants a letter asking them to reconsider numerous responses. See letter dated December 11, 2015, attached as Exhibit 1.

A December 30, 2015 telephone conference resolved most of the disputes, with the few exceptions that are now before this Court. During the call, Defendants' counsel initially stated that he had no obligation to provide the names of witnesses in response to Interrogatory 1 and 10, and that Plaintiff could determine the names of the witnesses by reading the

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filed its January 7, 2016 letter to the Court 30 days after it received responses to interrogatories. (L.R. 104.8(a) requires that a motion be served within 30 days of receipt of responses.) Immediately after receiving the letter, Defendants agreed to provide responses to Interrogatories 1 and 10, but still refuse to answer Interrogatory 28.

The lone remaining issue before this Court is whether Defendants must identify their potential witnesses. Defendants claim that they should not be required to identify their witnesses simply because Plaintiff served more than 25 interrogatories.

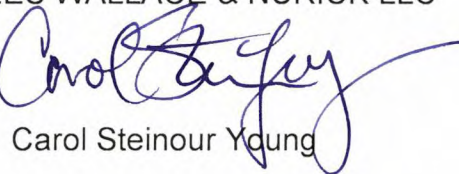
The purpose of initial disclosures is to facilitate efficient discovery. Although the Court waived initial disclosures requirements in this matter, it is not unreasonable to compel them in this instance or burdensome on Defendants to comply. Instead of working in the efficient and cooperative manner contemplated by modern discovery, Defendants have opted to frustrate the process on one of civil litigants' most basic obligations: disclosing potential witnesses.

Plaintiff respectfully asks this Court to order Defendants to disclose their witness list.

Respectfully submitted,

McNEES WALLACE & NURICK LLC

By



Carol Steinour Young

C: Derek Stikeleather, Esq.  
Harvey Freedenberg, Esq.  
Christopher Ruhland, Esq.  
Andrew Wong, Esq.

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documents (which had not yet been produced). Defendants' counsel stated that he would not provide a response to Interrogatory 28.

Defendants' counsel later agreed to reconsider his position regarding Interrogatory 1 and 10, and respond by January 7, 2016, but did not change his position regarding Interrogatory 28. See email exchange, attached as Exhibit 2.